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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,441	01/31/2002	Paul Finster	GIST-003/00US	2219

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COOLEY GODWARD LLP
ATTN: PATENT GROUP
11951 FREEDOM DRIVE, SUITE 1700
ONE FREEDOM SQUARE- RESTON TOWN CENTER
RESTON, VA 20190-5061

EXAMINER

PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,441

Applicant(s)

FINSTER ET AL.

Examiner

Namitha Pillai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges Applicant's submission on 6/20/05, including an oath or declaration, wherein including all the items previously not disclosed in the oath or declaration on record which was submitted on 1/31/02.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 6, 462, 784 B1 (Kohno et al.), herein referred to as Kohno.

Referring to claims 1 and 15, Kohno discloses a method for presenting programming information to a viewer (Figure 6). Kohno discloses creating a reference row in a programming grid (reference number 82, Figure 6). Kohno discloses dividing the reference row into a plurality of segments, each segment representing a time period shorter than that of any program in the programming grid (Figure 17 and column 12, lines 1-13), wherein Kohno presents a discussion of reference rows and within these rows division wherein there are segments represented as dots with each dot being shorter than the length of the program. Kohno discloses aligning in the programming

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grid the programming information of each program according to the segments of the reference row representing each program's respective time period (column 3, lines 15-17).

Referring to claim 2, Kohno discloses that the reference row comprises a hidden reference row (column 12, lines 44-51).

Referring to claim 3, Kohno discloses adding a row to the programming grid (column 14, lines 10-14).

Referring to claim 4, Kohno discloses dividing the reference row into a plurality of segments, each segment representing a one-minute interval (column 13, lines 28-32).

Referring to claim 5, Kohno discloses that the width of the segments is fixed by a width attribute (column 11, lines 55-58).

Referring to claim 6, Kohno discloses retrieving the programming information (column 11, lines 54-55).

Referring to claim 7, Kohno discloses adding columns to the programming grid such that each row is divided by the columns and spanning the programming information of each program across a number of columns in a row, wherein the number of columns is proportional to the deviation of the program associated with the programming information (Figure 16).

Referring to claim 8, Kohno discloses an apparatus to present programming information to a viewer (Figure 6). Kohno discloses a communications device, a processor and a memory storing a plurality of instructions to be sent by the processor via the communication device to an http client for execution (Figures 1, 4 and 5). Kohno

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discloses that the instructions to be executed by the http client to create a reference row in a programming grid (reference number 82, Figure 6). Kohno discloses dividing the reference row into a plurality of segments, each segment representing a time period shorter than that of any program in the programming grid (Figure 17 and column 12, lines 1-13), wherein Kohno presents a discussion of reference rows and within these rows division wherein there are segments represented as dots with each dot being shorter than the length of the program. Kohno discloses aligning in the programming grid the programming information of each program according to the segments of the reference row representing each program's respective time period (column 3, lines 15-17).

Referring to claim 9, Kohno discloses that the programming grid includes an HTML table (column 7, lines 46-48).

Referring to claim 10, Kohno discloses adding a row to the HTML table (column 14, lines 10-14).

Referring to claim 11, Kohno discloses adding columns to the reference row in the HTML table, each column representing one of the segments (Figure 15).

Referring to claim 12, Kohno discloses that the width of the columns is fixed by at least one of a width attribute and a fix-length image (column 11, lines 54-64).

Referring to claim 13, Kohno discloses that the reference row is one of visible and invisible to the viewer (column 12, lines 35-47).

Referring to claim 14, Kohno discloses spanning the programming information of

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each program across the columns representing each program's respective time period (column 12, lines 1-13).

Response to Arguments

3. Applicant's arguments filed 6/20/05 have been fully considered but they are not persuasive.

With respect to Applicant's arguments that Kohno does not disclose a reference row with a plurality of segments. A close inspection of Figures 7 displays rows, specifically two rows that each have a plurality of segments represented as smaller boxes within each of the rows. These figures show a reference row containing a plurality of segments. Furthermore, the arguments disclose that there is no mention of a reference row, wherein the Examiner has interpreted the reference row has any row that is part of a electronic programming guide and is included with other information and used for referencing information. Therefore, the rows of Figures 7 do represent reference rows and there the plurality of segments within these rows discloses the divided plurality of segments.

With respect to Applicant's arguments that Kohno does not disclose aligning programming information according to segments of a reference row. Figure 19 discloses a reference row with a plurality of segments, with each segment represented in different shades, wherein Kohno discloses aligning the program information represented in each segment based on the starting time and ending time of the program. Kohno therefore discloses aligning program segments based on time and based on the segments of the reference row (column 12, lines 30-40).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) (updated as of July 15, 2005), b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300. Faxes sent to the old number will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and 571-273-8300 will be the only facsimile number recognized for "centralized

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delivery." The official notice dated June 20, 2005 also includes an "updated list of exceptions to the centralized delivery and facsimile transmission policy for patent related correspondence." Questions regarding this notice may be e-mailed to Patentpractice@uspto.gov, or directed to the Inventors' Assistance Center by telephone at 800-786-9199, or 571-272-1000.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Namitha Pillai
Assistant Examiner
Art Unit 2173
August 25, 2005



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173